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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/844,750 | 04/26/2001 | Peter Darren Hartley | R & G Case 326 | 1116 |
| 7590 04/22/2005 | | | EXAMINER | |
| FLYNN, THIEL, BOUTELL & TANIS, P.C. 2026 Rambling Road Kalamazoo, MI 49008-1699 | | | ANYA, CHARLES E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2194 | |

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,750

Applicant(s)

HARTLEY, PETER DARREN

Examiner

Charles E Anya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3/MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/4/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-4 are pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. 6,762,767 to Evans et al.**

4. As to claim 1, Evans teaches a computer system, comprising: computer hardware including a processor (figure 2 Col 6 Ln. 6 – 55); an operating system running on the computer hardware (Operating System 134/144 Col. 5 Ln. 30 – 41); an application program running on the operating system (Applications 138/139 Col. 5 Ln. 49 – 67, Col. 6 Ln. 60 – 67) and making calls to the operating system (“...request...” Col. 9 Ln. 33 – 42); and a library between the application program and the operating system (Libraries 208/210/212 Col. 9 Ln. 42 – 65), the library including a plurality of components responsive to function calls from the application program (Drawing API

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218, Information API 220, Utility API 222 Col. 10 Ln. 16 – 31), and wherein the library comprises components defined by a native library associated with the operating system (Libraries 208/210/212 Col. 9 Ln. 42 – 51) and other components defined by a special portability library associated with the application (Library 212 Col. 9 Ln. 55 – 65).

5. As to claim 2, Evans teaches a computer system according to Claim 1, further comprising a presentation and styling section, which determines the appearance of a displayed output of the application program (Col. 6 Ln. 30 – 41, Col. 11 Ln. 46 – 59, Col. 16 Ln. 26 – 28).

6. As to claim 3, Evans teaches a computer system according to Claim 1, in which the special portability library includes components from the following: widget set, window manager, mouse control, networking, font rendering, bitmap plotting, frame buffer management, memory management, timers, debug traces, and images (Col. 10 Ln. 27 – 31, Col. 13 Ln. 65 – 67, Col. 14 Ln. 1 – 4).

7. As to claim 4, Evans teaches a computer system according to Claim 1, further comprising a portability layer which directs the calls to components of the native library, if such components exist, or otherwise directs the calls to components of the special portability library (Col. 5 Ln. 55 – 67, Col. 6 Ln. 1 – 5, figure 7 (Fusion 214) Col. 16 Ln. 26 – 40, figure 4 Col. 16 Ln. 51 – 67, Col. 17 Ln. 1 – 23).

Response to Arguments

8. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,677,964 B1 to Nason et al.: directed to a method and system of controlling user interface.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (571) 272-3757. The examiner can normally be reached on M-F (8:30-6:00) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-Ai can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya
Examiner
Art Unit 2194

cea.


ST. JOHN COURTENAY III
PRIMARY EXAMINER